

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case Nos.: 12-O-17607-PEM
)	(12-O-17854)
GREGORY DUANE BLEVINS,)	
)	DECISION
Member No. 199104,)	
)	
<u>A Member of the State Bar.</u>)	

Introduction¹

In this disciplinary proceeding, respondent Gregory Duane Blevins is charged with seven counts of misconduct in two client matters. The charged misconduct includes: (1) aiding in the unauthorized practice of law (two counts); (2) failing to comply with all laws (two counts); (3) seeking to mislead a judge (two counts); and (4) committing an act of moral turpitude involving a misrepresentation.

The court finds, by clear and convincing evidence, that respondent is culpable of two counts of failing to comply with all laws. In light of the nature and extent of respondent’s misconduct, as well as the aggravating circumstances, the court recommends, among other things, that respondent be suspended for a period of 30 days.

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

Significant Procedural History

The Office of the Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on November 12, 2013. On December 2, 2013, respondent filed his response.

A two-day trial was held on June 3 and 4, 2014. The State Bar was represented by Deputy Trial Counsel Jonathan Ceseña. Respondent was represented by Allen Broslovsky. On June 4, 2014, following closing arguments, the court took this matter under submission.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 7, 1998, and has been a member of the State Bar of California at all times since that date.

Background Facts

Respondent has been an attorney for 16 years with no record of prior discipline. Beginning in 2000, respondent primarily specialized in the practice of criminal defense. In fact, respondent has a criminal defense conflict subcontract with Tulare County and Kings County. In 2011, respondent decided to branch out into the area of bankruptcy law.² To this end, respondent began an aggressive marketing campaign to attract bankruptcy clients.

In 2011, respondent had three employees in his law office. The employees included Justin Boggs (Justin), and Jeffrey Boggs (Jeffrey), and a receptionist. Justin and Jeffery are respondent's nephews.

Jeffrey was a first-year law student and the office administrator. He handled customer service issues, performed legal research, interviewed clients, returned phone calls, and filed some bankruptcy petitions as instructed by respondent. Jeffrey sometimes attended hearings to

² Respondent testified before the bankruptcy court that he used to do bankruptcy work, but that was a long time ago.

introduce clients to attorneys making special appearances on respondent's behalf and because he was interested in the process. Justin, on the other hand, mostly performed data entry.

Respondent believes that his aggressive marketing campaign substantially impacted the bankruptcy practice of attorney Scott Lyons (Lyons). As a result, Lyons began an investigation regarding the legality of respondent's services. Lyons hired an investigator, Alan Dunn (Dunn), who posed as a prospective bankruptcy client. Dunn contacted a number of respondent's clients to ask them about the services they had received from respondent. Among the clients Dunn contacted were Leslie Searcy and Kelli and David Dean.

Leslie Searcy and Kelli and David Dean subsequently retained Lyons to represent them. Lyons filed motions on these clients' behalf to recover the bankruptcy fees paid to respondent. The terms of representation and what, if any, financial relationship existed between Lyons and Leslie Searcy and Kelli and David Dean remains unclear.³

In or about October 2012, Dunn, at Lyon's direction, set an appointment and met with Jeffrey at respondent's law office. Jeffrey identified himself as a law student and, upon being asked, advised Dunn that he did not have a business card.

Case No. 12-O-17607 – The Dean Matter

Facts

David and Kelli Dean (the Deans) were experiencing severe financial distress as their home was in foreclosure and David Dean's (David) wages were about to be attached. One day Kelli Dean (Kelli) along with her longtime friend, Wanda Hulsey (Hulsey), passed a sign on the road that said Bankruptcy Law Center and underneath it stated Blevins Law Firm. Kelli and Hulsey decided to drop by the Bankruptcy Law Center/Blevins Law Firm (Blevins Law Firm) that same day.

³ Neither Lyons nor Dunn testified in the present proceedings.

When Kelli and Hulsey dropped into the Blevins Law Firm they were greeted by a receptionist who informed them that she was the only one in the office that day. They made an appointment to meet with a lawyer at the Blevins Law Firm.

On February 13, 2012, Kelli along with Hulsey went back to the Blevins law firm.⁴ The parties' testimony regarding this meeting differs significantly.

Kelli testified that Jeffrey introduced himself as the lawyer who was going to represent her. She remembers the meeting taking an hour and a half with Jeffrey asking her questions about her financial status. At the close of the meeting, she gave Jeffrey \$1,200 to represent her in her bankruptcy matter. After signing the retainer agreement all her contact was with Jeffrey, as she says she believed he was her attorney.

Respondent, on the other hand, recalls that he had a meeting with Kelli on February 13, 2012, because he did not have court appearances on that day, as it was a court holiday. Jeffrey also testified that respondent met with Kelli on February 13, 2012, and that Jeffrey, as office administrator, took the \$1,200 dollars. Jeffrey acknowledges that he met Kelli on several occasions when she came to the office to drop off paperwork.

After Kelli signed the retainer, her husband, David, came to respondent's office. He briefly met with Jeffrey. Jeffrey did not tell David he was an attorney, but David assumed he was an attorney because he was working with Kelli.

Using the court's electronic case filing (ECF) someone in respondent's office filed a voluntary Chapter 7 petition for the Deans on May 18, 2012. The Deans' schedule A through J, statements of financial affairs, statements of intention, and official forms 22A were also filed with the Chapter 7 petition using the ECF system. In the Chapter 7 petition, the Deans were required to sign their names and verify under penalty perjury that the information provided in the

⁴ Hulsey did not testify in these proceedings.

documents was true and correct. The Chapter 7 petition did not contain the Deans' actual signatures and instead bore electronic virtual signatures. The Deans' signatures appear as "/s/ David Garry Dean, Jr." and /s/ Kelli Lee Dean." Respondent did not possess a hard copy of the Chapter 7 petition containing the Deans' actual signatures.

On June 22, 2012, the Deans attended a 341(a) hearing. Respondent was unable to appear at the 341(a) meeting.⁵ Respondent asked attorney Rex Payne (Payne) to make a special appearance for him. Payne appeared at the hearing and the matter was continued. The second 341(a) meeting was continued to July 20, 2012. Respondent appeared for the Deans at the July 20, 2012 meeting. The Deans' bankruptcy case was completed on August 31, 2012, and they received a final order of discharge.

After the Deans were discharged, they received a call from Dunn. Upon speaking with Dunn, the Deans agreed to employ Lyons to re-open their bankruptcy matter. On March 12, 2013, Lyons filed a motion/application to re-open the Deans' Chapter 7 bankruptcy case.

On March 13, 2013, the bankruptcy court granted the motion to reopen the bankruptcy case. That next day, Lyons filed a motion for review and disgorgement of fees.⁶ In support of his motion for review and disgorgement of fees, Lyons alleged that the Deans never met with respondent and that every time they went to respondent's office they met Jeffrey, who was not an attorney. Lyons also stated that respondent did not attend either of the 341(a) hearings and, as such, the fees were excessive and the \$1,200 should be disgorged to the Deans.

Respondent filed an opposition to the motion for review and disgorgement of fees, stating that he met with Kelli and, at some point, with David prior to the initial 341(a) meeting.

Respondent also stated that he informed the Deans that he would not be appearing at the initial

⁵ A 341(a) meeting is a creditor's meeting.

⁶ Lyons filed a similar motion in the Searcy matter, as illustrated below. These two matters were subsequently consolidated by the bankruptcy court.

341(a) meeting and that he would be sending Payne to stand in at the 341(a) hearing. Finally, respondent asserted that he did appear at the 341(a) meeting on July 20, 2012.

On May 9, 2013, Allen Broslovsky (Broslovsky), the attorney retained by respondent to represent him at the disgorgement hearing,⁷ wrote Lyons a letter denying all the allegations set forth in the disgorgement motion, but agreeing to refund the Deans the \$1,200 in attorney fees because respondent was sorry for the way they felt about him. The Deans turned the offer down.

On May 21 and 22, 2013, a hearing was held on the motion for review and disgorgement of fees. At the hearing, Kelli and David insisted that respondent did not attend the July 20, 2012 341(a) hearing. They both stated that Jeffrey, who attended the hearing, introduced them to a man named “Mike” and said that Mike was their lawyer and would be representing them at the hearing. The Deans asserted that they were never told what Mike’s last name was. They further stated that Mike represented them at the hearing and that he appeared to be of Hispanic origin and did not look at all like respondent. Respondent introduced a transcript and audio tape of that 341(a) meeting. Respondent was in fact the attorney that represented the Deans at that hearing.

After the matter was submitted, Lyons requested that the court make findings of fact that respondent ran an illegal typing service and that he be ordered to refund the Deans all the money paid. In addition, Lyons asked the court to impose a \$2,400 civil penalty on respondent for his willful dishonesty. Finally, Lyons wanted the court to issue an order to show cause (OSC) as to why respondent should not be barred from practicing bankruptcy law in the Eastern District of California.

On June 28, 2013, the bankruptcy court filed its decision regarding the motion for review and disgorgement of fees. The bankruptcy court was persuaded that any benefit the Deans

⁷ As noted above, Broslovsky also represented respondent in the present proceeding.

received at the conclusion of their bankruptcy case was essentially a result of the bankruptcy process and that respondent's office only provided the necessary forms and clerical services.

The bankruptcy court also found that respondent's filing of documents with the Deans' virtual signatures falsely represented on their face that they had been reviewed by the Deans and verified by them as truthful under penalty of perjury. Respondent, however, did not obtain "wet signatures" from the Deans prior to filing their documents, even though the documents showed the Deans' signatures. Local Bankruptcy Rule 9004-1(c)(1)(C) explicitly provides that filing a document with a debtor's electronic signature represents to the court that a copy of that document with the debtor's original signature existed at the time of that document's filing. Thus, respondent made a false representation to the court with each filed document bearing an electronic signature.

Respondent was ordered to disgorge \$1,200 to the Deans and for a period of two years respondent could not file any documents with electronic signatures in the Bankruptcy Court for the Eastern District of California without also filing copies of the "wet signatures" for said documents, affirmatively showing that the original documents had been reviewed and signed by his clients and, where applicable, by himself. The court did not impose a civil penalty on respondent, nor did the court issue an OSC re: barring respondent from practicing bankruptcy law in the Eastern District of California.

Conclusions

Count One – Rule 1-300(A) [Aiding the Unauthorized Practice of Law]

Rule 1-300(A) provides that an attorney must not aid any person or entity in the unauthorized practice of law. The evidence before the court does not establish, by clear and convincing evidence, a violation of rule 1-300(A). While Kelli asserts that Jeffrey introduced himself as an attorney, this allegation is inconsistent with the experiences of David and Dunn,

who both testified that Jeffrey did not introduce himself as an attorney. In addition, the accuracy of Kelli's recollection is further called into question by her testimony that respondent did not appear at either of her 341(a) hearings, in contradiction to the bankruptcy court record.

The evidence before this court established that Jeffrey uploaded documents, scheduled appointments, set up the counseling sessions on the office computer, and collected documents from respondent's clients. It has not been demonstrated, by clear and convincing evidence, that respondent aided any person or entity in the unauthorized practice of law. Accordingly, Count One is dismissed with prejudice.

Count Two – § 6068, subd. (a) [Duty to Support All Laws]

Section 6068, subdivision (a), provides that an attorney has a duty to support the Constitution and laws of the United States and California. Rule 9011(a) of the Federal Rules of Bankruptcy Procedure requires that every petition be signed by at least one attorney of record. Here respondent submitted the Chapter 7 petition with his and the Deans' electronic signatures.

The United States Bankruptcy Court Eastern District of California, Local Bankruptcy Rule 9004-1, allows the use of electronic signatures in documents electronically filed through the court EFC system. This rule, however, clearly dictates that the filing attorney must possess a signed original document when they file the electronic version and they must retain that original version for three years. (Local Bankruptcy Rule 9004-1(c)(1)(C) - (D).) For the use of an electronic signature is a representation that an originally signed document exists and is in the attorney's possession.

Consequently, respondent failed to support the laws of the United States in willful violation of section 6068, subdivision (a), by filing, or causing to be filed, on behalf of the Deans, a Chapter 7 voluntary petition for bankruptcy in the matter of *In re David and Kelli Dean*, United States Bankruptcy Court, Eastern District of California, Case No. 12-14498,

without signing the petition or having his clients sign the petition prior to filing, in willful violation of rule 9011(a) of the Federal Rules of Bankruptcy Procedure. (See *In re Harmon*, 435 B.R. 758 (Bankr.N.D.Ga.2010) [obtaining client's signature, then changing substance of those documents, failing to get client's signature on changed documents, and filing changed documents with electronic signature constituted violation of rule 9011].)

Count Three – § 6068, subd. (d) [Duty to Employ Means Consistent with the Truth]

Section 6068, subdivision (d), provides that an attorney has a duty to employ those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of law or fact. The State Bar alleged that respondent violated section 6068, subdivision (d), by falsely declaring to the bankruptcy court that he met with Kelli when she first became a client on February 13, 2012. The court has heard contradicting testimony on this issue and it has not been established, by clear and convincing evidence, that respondent did not meet with Kelli on February 13, 2012.⁸ Accordingly, Count Three is dismissed with prejudice.

Case No. 12-O-17854 – The Searcy Matter

Facts

Leslie Searcy (Searcy) was over her head in debt. Her parents thought she should declare bankruptcy by obtaining an attorney. To this end, Searcy's father visited the Blevins Law Firm, paid a \$1,000 fee, and scheduled an appointment for her. Searcy went to the scheduled meeting and it was rescheduled because there was no one at the office other than the receptionist. Jeffrey showed up at the rescheduled meeting. Jeffrey did not state that he was an attorney, but Searcy assumed he was.

⁸ As noted above, the court has concerns regarding the credibility and accuracy of Kelli's testimony based on her recollection of the second 341(a) meeting. Further, the relationship between Kelli and Lyons remains somewhat unclear.

The parties' testimony regarding whether or not Searcy met respondent differed considerably. Searcy asserted that she came to respondent's office on numerous occasions and the only people she saw on site were the receptionist and Jeffrey. Searcy testified that during the entire pendency of her bankruptcy proceeding she never met respondent. Respondent, on the other hand, testified that he had multiple meetings with Searcy.

Searcy attended two 341(a) meetings, one of which was in March 2012 and the other in July 2012. Searcy did not recognize anyone when she appeared at the March 2012 hearing, so she called the Blevins Law Firm whereupon Jeffrey told her that respondent would not be appearing as he was in a murder trial. Jeffrey told her someone else would be appearing for her. Twenty minutes later, attorney Chrystine Carvalho (Carvalho) appeared for her. The hearing was continued because tax documents were missing.

Carvalho appeared at the continued hearing, as respondent was again not available. Searcy's bankruptcy case was completed on July 2, 2012, as an order of discharge was entered.⁹

In or about December 2012, Dunn contacted Searcy. As a result, Searcy subsequently communicated with Lyons and retained him to file a motion to disgorge the \$1,000 fee that was paid to respondent.¹⁰

On March 12, 2013, Lyons filed a motion/application to re-open Searcy's Chapter 7 bankruptcy case. On March 13, 2013, the bankruptcy court granted the motion to reopen the bankruptcy case. That next day, Lyons filed a motion for review and disgorgement of fees. In support of his motion for review and disgorgement of fees, Lyons alleged that Searcy never met with respondent and that every time she went to respondent's office she met Jeffrey. Lyons also

⁹ Searcy does not remember signing the petition for bankruptcy.

¹⁰ As with the Dean matter, the financial terms of their arrangement, if any, remain unclear.

stated that respondent did not attend either of the 341(a) hearings and, as such, the fees were excessive and the \$1,000 should be disgorged.

Respondent filed an opposition to the motion for review and disgorgement of fees, stating that he met with Searcy on several occasions. Respondent also stated that he personally informed Searcy that Carvalho would appear on her behalf.

On May 9, 2013, Broslovsky wrote Lyons a letter denying all the allegations set forth in the disgorgement motion, but agreeing to refund Searcy the \$1,000 in attorney fees because respondent was sorry for the way she felt about him. This offer was not accepted.

On May 21 and 22, 2013, a hearing was held on the motion for review and disgorgement of fees.¹¹ On June 28, 2013, the bankruptcy court filed its decision regarding the motion for review and disgorgement of fees. The bankruptcy court was persuaded that any benefit Searcy received at the conclusion of her bankruptcy case was essentially a result of the bankruptcy process and that respondent's office only provided the necessary forms and clerical services.

The bankruptcy court also found that respondent's filing of documents with Searcy's virtual signature falsely represented on their face that they had been reviewed by the debtor and verified by her as truthful under penalty of perjury. Respondent did not obtain "wet signatures" from Searcy prior to filing her documents, even though the documents showed her signature. Respondent was ordered to disgorge \$1,000 to Searcy.

Conclusions

Count Four – Rule 1-300(A) [Aiding the Unauthorized Practice of Law]

Similar to Count One, the evidence before the court does not establish by clear and convincing evidence that respondent aided any person or entity in the unauthorized practice of law. Searcy acknowledged that Jeffrey never identified himself as a lawyer and it has not been

¹¹ As noted above, this matter was consolidated with the Deans' matter.

demonstrated by clear and convincing evidence that Jeffrey was engaged in the practice of law. Accordingly, Count Four is dismissed with prejudice.

Count Five – § 6068, subd. (a) [Duty to Support All Laws]

Similar to the Dean matter, respondent failed to support the laws of the United States in willful violation of section 6068, subdivision (a), by filing, or causing to be filed, on behalf of Searcy, a Chapter 7 voluntary petition for bankruptcy in the matter of *In re Leslie Searcy*, United States Bankruptcy Court, Eastern District of California, Case No. 12-12576, without signing the petition or having his client sign the petition prior to filing, in willful violation of rule 9011(a) of the Federal Rules of Bankruptcy Procedure.

Count Six – § 6068, subd. (d) [Duty to Employ Means Consistent with the Truth]

The State Bar alleged that respondent violated section 6068, subdivision (d), by falsely declaring to the bankruptcy court that he personally met with Searcy on several occasions. This matter boils down to the contradicting testimony of Searcy and respondent. The uncertainty of Searcy's relationship with Lyons and the inaccurate testimony in the Dean matter are cause for concern. Therefore, the court finds that it has not been established, by clear and convincing evidence, that respondent did not personally meet with Searcy. Accordingly, Count Six is dismissed with prejudice.

Count Seven – § 6106 [Moral Turpitude]

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment. As noted above, it has not been established by clear and convincing evidence that respondent did not meet with Searcy. Accordingly, Count Seven is dismissed with prejudice.

Aggravation¹²

Multiple Acts (Std. 1.5(b).)

Respondent is culpable of multiple acts of misconduct.

Mitigation

No Prior Record (Std. 1.6(a).)

Respondent had no prior record of discipline for over 13 years prior to the misconduct in this case. Respondent's discipline-free record warrants consideration in mitigation.

Lack of Harm (Std. 1.6(c).)

Respondent's misconduct did not harm his clients. Both of respondent's clients' bankruptcies were discharged and their funds were returned. Respondent's action also stopped David's wage garnishment. That being said, respondent's misconduct in this matter did cause some harm to the administration of justice, as the bankruptcy court was misled by respondent's electronic signatures and forced to re-open the bankruptcies and disgorge the attorney fees. Accordingly, the court does not assign any weight in mitigation for lack of harm.

Good Character (Std. 1.6(f).)

Respondent presented testimony from the following six character witnesses attesting to his honesty, good character, and competence and effectiveness as an attorney.

Ismael Rodriguez (Rodriguez) is an attorney in Tulare County. He practices criminal law and has known respondent for several years and currently rents office space from respondent. Rodriguez was a prosecutor and had numerous cases against respondent. Rodriguez is aware of the charges but does not believe respondent would intentionally commit any of the charged misconduct.

¹² All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

Judge Robert Shane Burns has been a superior court judge for Kings County since 2010. Prior to that Judge Burns was a district attorney. He met respondent in 2000 and had many dealings with respondent, who was a criminal defense attorney. Respondent appears daily in Judge Burns's court as a contract attorney. Judge Burns requested that respondent be assigned to his court and feels that respondent is honest and credible with his clients. Judge Burns describes respondent as a very good lawyer, who is honest and hard-working.

Judge Stephen Drew is a retired superior court judge for Tulare County. Judge Drew became a judge in 1978, and respondent appeared before him on numerous occasions. Judge Drew found respondent to be an extremely honest, forthright attorney. Judge Drew noted that respondent is always honest and doesn't hide the ball. Judge Drew has never heard anything disparaging about respondent.

Eric Hamilton (Hamilton) has been an attorney since 2000. He practices criminal and family law. Hamilton shared a criminal conflict calendar with respondent for several months in 2003-2004. Over the past ten years, Hamilton has seen respondent in the court house about every day. Hamilton has found respondent to be very forthright and straight forward. Hamilton praised respondent's integrity and feels that respondent takes his responsibilities seriously. Hamilton read the charges and while the allegations shocked him, they did not alter his opinion of respondent.

Brian Haney (Haney) is a police officer and has been in law enforcement for 24 years. Haney has known respondent for about 10 to 15 years. Respondent represented Haney in a bankruptcy proceeding and has represented Haney's family members. Haney considers respondent to be a man of integrity and honesty. Haney cannot fathom respondent intentionally misleading anyone – especially a judge. Haney is aware of the allegations, but still believes in respondent's honesty and integrity.

Kelsey Blevins (Kelsey) is respondent's daughter. Kelsey is a secretary in respondent's office. She believes her father is a very honest man.

Respondent's presentation of good character evidence warrants some consideration in mitigation.

Payment of Restitution (Std. 1.6(j).)

Respondent offered to refund the Deans' and Searcy's money before the disgorgement hearing, but they rejected his offer. When he was ordered to disgorge the funds, respondent promptly paid them. While there is little indication that respondent had an opportunity to refund his clients' funds prior to the disgorgement proceeding, the court can award only nominal mitigation for respondent's payment of restitution since the payment was made following a court order.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; std. 1.1.)

Standard 1.7 provides, in pertinent part, that the specific sanction for the particular violation found must be balanced with any mitigating or aggravating circumstances.

In this case, the standards provide for the imposition of a minimum sanction ranging from suspension to disbarment. (Standards 2.8(a).) Standard 2.8(a) states that disbarment or actual suspension is appropriate for disobedience or violation of a court order related to the member's practice of law, the attorney's oath, or the duties required of an attorney under Business and Professions Code section 6068, subdivisions (a)-(h).

The standards, however, are guidelines and do not mandate the discipline to be imposed. (*In the Matter of Moriarty* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 245, 250-251.) “[E]ach case must be resolved on its own particular facts and not by application of rigid standards. [Citation.]” (*Id.* at p. 251.) While the standards are not binding, they are entitled to great weight. (*In re Silvertown* (2005) 36 Cal.4th 81, 92.)

The State Bar argued that respondent should, among other things, be suspended for six months. Respondent, on the other hand, sought a reproof. The court found additional guidance in *Hallinan v. State Bar* (1948) 33 Cal.2d 246, *Levin v. State Bar* (1989) 47 Cal.3d 1140, *Bach v. State Bar* (1987) 43 Cal.3d 848, and *Mushrush v. State Bar* (1976) 17 Cal.3d 487.

In *Hallinan*, the attorney simulated his client’s signature on a settlement release, dismissals, and check although he knew that defense counsel wanted the attorney’s client’s personal signature on the release and dismissals. The simulated signature was acknowledged by a notary as if the client had personally appeared before the notary. The attorney believed he had legal power and authority to sign the client’s name to the documents pursuant to a power of attorney, but simulated the signatures to give defense counsel the impression that the client had personally signed them. The Supreme Court found that the attorney had a good faith belief that he was legally authorized to execute the settlement documents the way he had. The attorney was actually suspended for three months.

In *Levin*, the attorney, in an attempt to settle a lawsuit, made false statements of fact to opposing counsel and communicated with a party he knew to be represented by counsel. In a second matter, the attorney settled a lawsuit without his client’s permission, made misrepresentations that his client personally signed the release, failed to deliver the settlement funds to his client, and failed to provide a proper accounting. Although the Supreme Court acknowledged several mitigating circumstances, including the attorney’s lack of a prior record of

discipline, the Court found that these circumstances were outweighed by the aggravating factors.¹³ The Supreme Court ordered that the attorney be suspended from the practice of law for three years, stayed, with three years' probation, including a six-month actual suspension.

In *Bach*, the attorney intentionally misled a judge regarding whether he was ordered to produce his client at a mediation hearing. In aggravation, the attorney had a prior public reproof, and demonstrated behavior that threatens the public and undermines its confidence in the legal profession. (*Id.* at p. 857.) There were no mitigating factors. The attorney was suspended for one year, execution of the suspension was stayed, and he was placed on probation for three years, with a 60-day actual suspension.

In *Mushrush*, the attorney was found to have made false statements to a bankruptcy court judge. The attorney had no prior record of discipline. After concluding that the attorney's misconduct involved moral turpitude, the Supreme Court ordered that the attorney be publicly reprimanded.

The present matter is not exactly on point with any of the aforementioned case law. Here, respondent misled the bankruptcy court by filing documents with electronic signatures without first obtaining and possessing copies of these documents with his clients' signatures. Upon investigation, respondent acknowledged that he did not possess copies of the documents containing his clients' actual signatures and did not attempt to cover-up this misconduct.

Considering the limited scope of the present misconduct and respondent's recognition of his impropriety, the court concludes that the present matter is less egregious than *Hallinan* or *Levin*. In addition, the present matter involves less aggravation and more mitigation than *Bach*. That being said, the court is not overly swayed by the low level of discipline imposed in

¹³ The factors in aggravation included the attorney's dishonest attempts to conceal his wrongful conduct and the fact that the respondent's misconduct evidenced a pattern of wrongdoing.

Mushrush, especially considering that that case was decided many years before the implementation of the standards. Therefore, the court finds that discipline including a 30-day period of actual suspension is appropriate considering the facts, the case law, standard 2.8(a), and the purposes of attorney discipline.

Accordingly, the court recommends, among other things, that respondent be suspended from the practice of law for one year, that execution of that period of suspension be stayed, and that he be placed on probation for two years, including a 30-day period of actual suspension.

Recommendations

It is recommended that respondent **Gregory Duane Blevins**, State Bar Number 199104, be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that respondent be placed on probation¹⁴ for a period of two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent must state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.

¹⁴ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Within 30 days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request.
7. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

Multistate Professional Responsibility Examination

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Dated: September _____, 2014

Pat McElroy
Judge of the State Bar Court